



Hispanic Technology & Telecommunications Partnership

Advancing Access to Broadband Technologies for Unserved and Underserved Communities

HTTP Members

Alianza Dominicana

ASPIRA Association

*Association for the Advancement of
Mexican Americans*

*Cuban American National
Council*

Dialogue on Diversity

Hispanic Federation

Hispanic Information Television Network

*Interamerican College of Physicians and
Surgeons*

*Labor Council for Latin American
Advancement*

*Latinos in Information Sciences and
Technology Association*

MANA, A National Latina Organization

*National Association of Hispanic
Publications*

*National Conference of Puerto Rican
Women*

National Hispanic Council on Aging

National Hispanic Medical Association

National Puerto Rican Coalition

The Hispanic Institute

U.S.-Mexico Chamber of Commerce

U.S. Hispanic Chamber of Commerce

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Jason A. Llorenz, Esq.
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October 12, 2010

The Honorable Julius Genachowski

The Honorable Michael Copps

The Honorable Mignon Clyburn

The Honorable Robert McDowell

The Honorable Meredith Baker

The Federal Communications Commission

445 12th Street, SW

Washington, DC 20554

Re: GN Docket No. 09-191 and WC Docket No. 07-52.

Dear Chairman Genachowski & members of the Commission:

We, the undersigned organizations thank the Commission for its investigation of the Internet and its rapid evolution. This is especially important given the Commission's consideration of rules involving the way data is treated as it crosses the multiple networks that comprise the Internet.

This coalition of national organizations, including many of its individual members and, in joining with other national coalitions of leaders, including the Minority Media and Telecommunications Councilⁱ and, most recently, the National Hispanic Caucus of State Legislatorsⁱⁱ, has called for the FCC to turn away from its path on net neutrality and reclassification of information services, to refocus our national broadband policy on the issues of digital literacy, broadband adoption at home and jobs-creating innovation and investment.

The regulatory framework proposed by "net neutrality," widely condemned by these coalitions, are condemned as such because of our concern for price-sensitive consumers, including Hispanics. A regulatory framework must not cause price-sensitive consumers to bear the entire burden of broadband deployment – meaning that ISPs must have the ability to develop novel partnerships and new business models that will subsidize the deployment of broadband these communities so desperately need for advancement in the digital age. Net neutrality, as proposed, virtually guarantees that consumers will bear the cost of new broadband build out.

Yet, these coalitions support the continued open Internet where all legal content may continue to be available to all Internet users in an environment of transparency for the ISPs.

Our goal with this filing is to take the net neutrality discussion beyond the overly simplistic rhetoric that has unfortunately characterized this debate for too long. We hope that this filing provides you with helpful, real-world perspective that that will help it determine the best policy regarding protecting the freedoms that Internet users have depended upon.

The members of HTTP approach this issue with considerable first-hand knowledge not only of the Internet but also specifically of the ways that emerging online services have been used and can benefit Hispanic Americans. While many speak about the Internet's potential to deliver specialized services in the future, our organizations witness the emerging benefits of these programs right now. This provides us with unique perspective on which to suggest to the Commission that proposed regulations, while well intentioned, would be counterproductive for the constituency that we serve.

Specifically, our intention with this filing is to emphasize:

1. Rapid advances in online services are making possible tremendous social benefits for the Hispanic community; and
2. The current regulatory framework both protects the open Internet and encourages precisely the kind innovation that makes these benefits possible.

I. How advanced services are increasingly benefiting Hispanic Communities

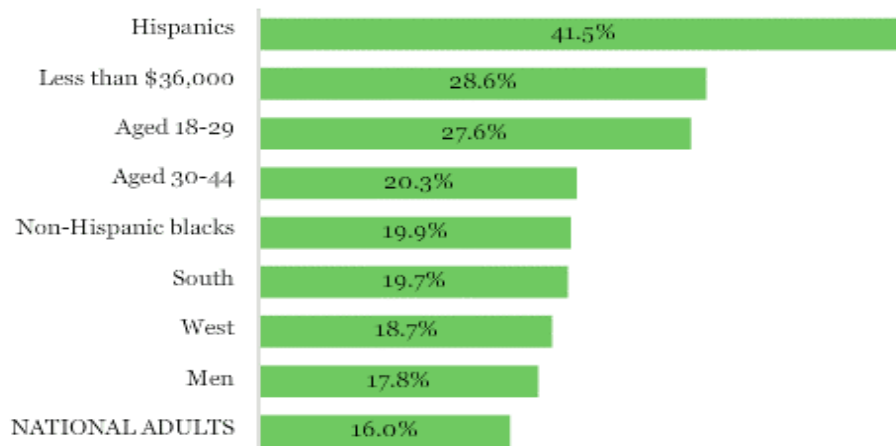
It is important to stress the broader implications of how potential regulations could affect vital applications to our community. If net neutrality rules interfere with consumers' ability to stream audio or video (a distinct probability, in our view), then there will be problems with many existing or emerging online applications that depend on real-time connections.

Probably the most important of these is the growth of distance education options. Many services require real-time connections. A video feed that is continually interrupted due to jitter or latency problems caused by "neutral" networks unable to process sudden spikes in data traffic will be of far less educational help than a clear feed.

For many Hispanic Americans, distance education is an increasingly important learning option. Members of our community often turn to the Internet to further their education or to learn a trade. Any federal policy that potentially would interfere with our members' ability to have the best use possible from distance education technology naturally causes us severe concern.

The benefit of robust, dedicated Internet access is especially important and apparent with emerging healthcare applications. First, the Commission must recognize the seriousness of the problem of health disparities poses for the Hispanic American community, and how the emergence of e-health and mobile health applications will be an opportunity to increase quality and coverage, even in an environment in which Hispanic communities lag in health insurance coverage. A 2009 Gallup pollⁱⁱⁱ put this issue in especially stark terms:

**Percentage uninsured among various demographic groups
(Adults aged 18 and older)**



*Source: June 2009 Gallup-Healthways
Well-Being Index*

As the Commission can see, the percentage of uninsured adult Hispanic Americans is more than double the national average. This has a direct and appalling correlation to life expectancy among Hispanics and it is the reason why our organizations feel so strongly about promotion of Internet-based health services. Many of these programs already offer the kind of low-cost health options that are especially beneficial in the Hispanic community.

For example, according to the CDC,^{iv} the leading cause of death for Hispanic Americans is heart disease. As a 2009 New York Times article^v (“Sensors Help Keep the Elderly Safe, and at Home”) detailed, emerging home-based, web-connected devices can monitor health developments among heart disease patients and automatically relay the information to healthcare professionals for evaluation. This cuts down on unnecessary doctor visits, saving everyone time and money.

A recent Deloitte healthcare report^{vi} concluded, “Technology can help consumers – particularly those with chronic conditions – monitor and manage their care to improve outcomes and decrease costs.” While developments such as this are important across all demographics, it is especially important for the Commission to recognize the crucial implications for the Hispanic community, especially given the Gallup results above.

For those without healthcare, the advent of new, low-cost options in a clinic environment can be a lifeline to vital services that can lead to more rapid diagnosis and treatment. This not only carries immense human benefits but also, as the Deloitte report makes clear, has significant financial benefits for our healthcare system. Widespread availability of e-health applications can inject better care to migrants and rural Hispanic communities who would not otherwise have access to experts hundreds of miles away.

We are concerned that the Commission’s implementation of net neutrality rules would complicate the growth of this vital service and unfairly impact the healthcare needs of Hispanic Americans. This is especially true when the services in question involve real-time communication and high-definition

video, such as when a specialist must analyze and make diagnoses from hundreds or even a thousand miles away. As Commissioners must know, many Hispanics work in strenuous agricultural jobs in rural areas. The chance for physical injury is significant, while the options for treatment are often distant. This creates an urgent need for the rapid promotion of online healthcare options.

Beyond healthcare, we are concerned about the implications of regulations in other areas that will affect Hispanics. A clear example involves wireless web access. Our concern about problems created by net neutrality rules is especially high regarding the impact of these rules on the nation's wireless networks, given the difference in technology and capacity.

For us, this is not just an academic concern. More than half of America's Hispanic population uses the mobile Internet, compared with about a third of whites. Hispanics also use more mobile minutes and have a higher percentage of mobile phone ownership than other ethnic groups despite many with below-average incomes.

As Pew's John Horrigan, who has written extensively about this issue, told The New York Times in 2009, "The typical early adopter of a dozen years ago was a white guy in his mid- to late thirties. Now you see the cutting edge in mobile Internet being populated by younger people of color."

Let us be clear: We are in agreement with the Commission's conclusions in the National Broadband Plan regarding the importance of promoting greater wireless and home broadband access. For many Americans, not just Hispanics, wireless holds the best promise to provide near-term affordable access. We also agree with the Commission that mobile users should have the freedom to access the legal content of their choice.

Where we have a serious concern involves applying "neutrality" rules to this medium that could quickly cause problems that ripple through wireless systems and interfere with access. For Hispanic Americans who depend on mobile access as their *only form of web access*, such interference would be a severe drawback. At a minimum, we continue to respectfully encourage the Commission to research this issue further, especially seeking input from network engineers and others who maintain our wireless networks.

II. The current regulatory framework both protects the open Internet and encourages the kind innovation that helps the Hispanic community

As the Commissioners are well aware, today's Internet is actually a complex interconnection of hundreds of networks. While Internet users do not see all the routing decisions that go into delivering data, they are acutely aware of the result. Even though delays in data processing are measured in fractions of seconds, the effect can still be noticed in services that require constant, real-time transmission. As we described above, this includes, for example, streaming video, which is an integral part of healthcare, education and entertainment options.

The Clinton Administration deserves great credit for instituting a successful model of regulatory framework. We hope that the Commission recognizes that since the Internet's early years, there have been dedicated lines for organizations that needed faster online access than conventional options could provide. Such groups have included not only large corporations but also universities and hospital chains. We believe the record demonstrates that, far from creating a two-tier system of "haves" and "have not's", the availability of dedicated lines has been a remarkable benefit. For those concerned about the cost of web access, these arrangements have helped to finance the Internet's overall growth. The proof of this continues today as Internet carriers continue building out the public network portion of the Internet even as they upgrade dedicated lines.

This “rising tide lifts all boats” reality of the Internet’s growth leads us to the second key point of this filing: *The Internet’s traditional flexibility in how data is treated, especially on wireless networks, significantly encourages the kind of projects and affordable access that help our communities.* As evidence, we point again to the remarkable figures on Hispanic adoption of wireless data and broadband services. From Pew Research and other sources,^{vii} we know that English-speaking Latinos are consistently among the most active users of the mobile web. We suggest to you that this not only reflects demographic issues but also the fact that these Hispanic Americans recognize the tremendous value of wireless data services.

Our concern with potential regulations is that they will undercut the ability of network companies (especially wireless carriers) to optimize efficiencies in the networks that carry-increasing amounts of data used for our basic communications needs. The impact of this would inevitably be felt beyond the applications that help our community but also in terms of unnecessarily increasing monthly access costs.

As advocates for Hispanic communities, we look on this with serious concern. The Commission knows quite well that while America’s “digital divide” has narrowed considerably during the past few years, there are still millions of households without fast access. The FCC’s study on broadband adoption^{viii} revealed that less than half of Hispanics have broadband at home, and among Hispanics who participated in the FCC survey in Spanish, only 20 percent have a home connection.

Evidence indicates that affordability is a determining factor for many. Any policies that inadvertently would increase the monthly access fees would jeopardize our ability to make further progress in closing this divide. The current regulatory framework has enabled investment and job creation to flourish – supporting our economy, while keeping broadband prices affordable. Imposing stringent regulations on the vibrant broadband sector will do nothing to advance the goal of universal broadband access, while limiting the potential for the creation of new jobs and much-needed investment.

In closing, we submit to the Commission that its two most important public policy goals should be (1) expanding broadband access choices and (2) making access more affordable. These two issues are vital for the Hispanic American community. Net neutrality rules or the potential reclassification of broadband services will not address either of these pressing issues.

Thank you for your consideration of this filing.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Llorenz".

Jason A. Llorenz, Esq.
Executive Director
The Hispanic technology and Telecommunications Partnership (HTTP)

National Organization Co-Signatories

Aspira
The Hispanic Institute
Hispanic Federation
League of United Latin American Citizens (LULAC)
Labor Council for Latin American Advancement (LCLAA)
National Puerto Rican Coalition
The Hispanic Leadership Fund
United States Hispanic Chamber of Commerce
MANA – A National Latina Organizations

ⁱ <http://mmtconline.org/lp-pdf/Natl%20Orgs%20Reclass%20071610.pdf>

ⁱⁱ http://broadband.nhcsl.org/broadband/wp-content/uploads/2010/10/Expanding_Opportunities_in_the_Hispanic_Community.pdf

ⁱⁱⁱ <http://www.gallup.com/poll/121820/one-six-adults-without-health-insurance.aspx>

^{iv} <http://www.cdc.gov/omhd/Populations/HL/HL.htm#Ten>

^v <http://www.nytimes.com/2009/02/13/us/13senior.html>

^{vi} “The Mobile Personal Health Record: Technology-enabled Self-Care,” Deloitte Center for Healthcare Solutions, September 2010.

^{vii} See “Mobile Access 2010 Report” from Pew Internet & American Life Project, July 7, 2010 at pewinternet.org/Reports/2010/Mobile-Access-2010.aspx

^{viii} “Broadband Adoption and Use in America,” Federal Communications Commission, February 23, 2010.